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ABSTRACT

The legislative mandate for bilingual education in Illinois was analyzed in order to evaluate the effectiveness of the mandate. Questions were addressed concerning the desired outcome of the mandate, the actual outcomes, and potential alternatives for bringing about the desired outcome. The history of the mandate for bilingual education and current issues related to the mandate were reviewed. Information was obtained through study of reports and statutes and interviews of teachers, administrators, and legislators. Among the issues reviewed were the purposes of bilingual education and the most effective ways to provide services to limited English speaking students. It was concluded that (1) the state has a compelling interest in mandating the provision of transitional bilingual education services to all limited English speaking students, (2) there is no need to mandate a particular instructional methodology for these services, and (3) the teaching of ethnic history and culture should not be required by law. Issues needing further study and recommendations for action are presented. The appendices provide legal and policy documents and evaluation questions. (RW)

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BILINGUAL EDUCATION MANDATE: A PRELIMINARY REPORT

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BILINGUAL EDUCATION MANDATE: A PRELIMINARY REPORT

Illinois State Board of Education

Edward Copeland, Chairman
State Board of Education

Donald G. Gill
Superintendent of Education

Springfield, Illinois
May, 1982

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BILINGUAL EDUCATION MANDATE: A PRELIMINARY REPORT

I. INTRODUCTION

In September 1981, the Illinois State Board of Education adopted and directed State Superintendent Donald G. Gill to implement a plan for the careful and deliberative study of the mandates placed on elementary and secondary education in the State. This plan grew out of increased support at all levels of state government for eliminating unnecessary or unproductive mandates and for increasing decision making at the level nearest the delivery of educational service. Moreover, the plan's emphasis on a deliberative analysis of mandates reflected the Board's commitment to guarding against indiscriminate and precipitous removal of regulations.

The plan adopted by the Board called for three phases of study. The following report on transitional bilingual education is one of the five reports to be considered during Phase I. The others address curriculum, special education, physical education and driver education.

This report includes discussion of the study methodology, a description of the current mandate and an historical perspective of the legislation as well as analyses of the study questions, findings and conclusions, and preliminary recommendations for action by the State Board of Education. Following a period of public comment, final recommendations will be presented by the State Superintendent to the Planning and Policy Committee for action and submission to the full Board.

II. METHODOLOGY

The State Board of Education plan for a comprehensive study of mandates included a number of procedures to be followed. The procedures serve as a common basis for examination and analysis and include those tasks necessary to obtain descriptive, historical information about the mandates, as well as the activities necessary for responding to the research questions for each of the studies.

A common framework for analysis was required in order that comprehensive information necessary for decision making be obtained and examined. Consequently, five study questions were identified, were approved by the State Board of Education and have served as guidelines in the analysis of the mandates. The questions are as follows:

1. What desirable condition or outcome is called for by the mandate?

   An essential step in determining the necessity of a requirement is being able to determine that it is purposeful, seeks to improve an existing condition, or creates a new and desirable condition. A mandate should be clearly directed towards an end which is stated in such a manner that its achievement can be reasonably assessed.

2. Is there evidence that in the absence of the mandate the condition or outcome will not be achieved?

   In this context, evidence may consist primarily of historical or trend data or comparisons with other states in order to determine the likelihood of success in the absence of a requirement. One major factor for consideration could be the amount of time available for implementation. That is, whether the condition needs to be met by a date certain or whether it is of such a nature that time is not the driving factor.

3. As presently defined, does (can) the mandate yield the desired result?

   While measuring results may be a relatively straightforward proposition, the more complex but necessary task of determining - or attributing - cause/effect must also be undertaken. The need is to be reasonably assured that it is the mandate which yields the desired result and not other uncontrolled factors.

4. Could the mandate be defined and/or implemented differently and yield the desired result?

   The nature of the mandate and any required administrative mechanisms should be consistent with the most current and accepted research and professional experience. Regulations should be as simple and direct as possible and allow for efficient and effective use of resources.

5. Does the mandate reflect a compelling State interest?

   The State's interest in mandates can be based on such principles as equality, equity, efficiency, compliance with higher authority, or health and safety. There can also be compelling interests that reflect the State's values in terms of required activities, experiences or settings. The maintaining or establishing of mandates should be tied directly to an identifiable need of the State to cause the required activity.

In reviewing a mandate, an examination of the issues inherent within it is necessary. To adequately respond to the five questions, therefore, two primary avenues of inquiry were pursued.

First, a thorough review of the history and background of the mandate for bilingual education was conducted. Secondly, an examination of the current issues related to the mandate was conducted. Various groups provided information for responding to the study questions. These groups were teachers and administrators, staff, researchers and legislators. To serve as springboards for inquiry the issues identified were posed as three specific questions:

1. What are the purposes of bilingual education?

2. What are the most effective ways to help students who have limited abilities in the English language?

3. What are the results of the bilingual education mandate?

Since there is a separate study which specifically addresses funding policy and mechanisms (The Illinois Public School Finance Study), this important topic was not included in this study.

Sources of information used in conducting this study included, but were not limited to, the following:

1. Current statutes and rules and regulations on bilingual education.

2. Written testimony and transcripts of legislative debates regarding the law on bilingual education.

3. Written materials available in various sections of the state education agency which have an impact on implementation of the bilingual education mandate.

4. Published and unpublished reports both within the state education agency and from independent sources on bilingual education research, evaluation, and policy.

5. Interviews with agency personnel who have been or who are currently involved with various aspects of the bilingual education mandate.

Controversy surrounds bilingual education. Some of the controversy is due to differences regarding either the purposes of the program or procedures used to implement bilingual education programs. Other issues relate to the quality and/or availability of valid data about the effects of bilingual education. For the purposes of this study, conclusions and recommendations have been based upon analysis of the best currently available information. When objective and current information is not available for a given issue, the need for it has been identified.

Finally, it is necessary to recognize that federal bilingual education programs co-exist with state transitional bilingual education programs. The relationships between federal and state programs are described in this paper as are federal and state court decisions related to bilingual education programs. This study, however, is an examination of the transitional bilingual education mandate in Illinois. Conclusions and recommendations, therefore, are specific to the Illinois mandate.

III. HISTORICAL BACKGROUND

National Overview

Bilingual education is not a recent innovation. Non-English and bilingual instruction were common in schools prior to the late 19th century.[1] At the turn of the century, however, a wave of "English-only" instructional policies emerged. In the years between World Wars I and II, bilingual education was virtually eliminated, as many states passed laws prohibiting instruction in any languages other than English in public and private schools.

During the 1960's, there was a growing public awareness of the needs of racial and ethnic minority groups. Specific to this study, there was increasing recognition of the need to provide special assistance to the children of language minority groups if they were to have an opportunity to succeed in school.

Language programs for eligible students in the late 1950's and early 1960's were usually in the form of English as a Second Language (ESL) instruction. Students typically received all subject area instruction in English but were removed from regular classes for special English language skills development.

In 1963, the Dade County Public Schools in Florida established the first bilingual education program in the United States since World War I. The program was initiated in an effort to meet the educational needs of the thousands of Cuban children arriving in Miami every month.

The Civil Rights Act of 1964 established a national basis of support for providing special educational services to meet the needs of students with limited English language abilities (among others) and guided federal enforcement efforts to insure that services were received by students. It also encouraged additional federal and state legislation which promoted bilingual education (i.e., academic instruction in both the native language and English) as a desirable instructional approach.

Direct federal involvement in bilingual education began in 1968 following passage of the Bilingual Education Act, as Title VII of the Elementary and Secondary Education Act (ESEA) of 1965. Title VII was passed in response to organized public demand for federal support of bilingual education. With Title VII, the federal government undertook a major step in fostering the establishment and growth of bilingual education programs. In addition to making funds available to local school districts to develop and implement bilingual programs, the federal action also paved the way for states to assume greater responsibility for enacting permissive and mandatory legislation and for funding bilingual education programs.

Title VII describes programs in which instruction is given in English and - to the extent necessary to allow a child with limited ability in English to progress effectively through the educational system - the native language of

the child. Instruction is given with an appreciation for the cultural heritage of such children. In addition, instruction in the elementary school, shall, to the extent necessary, be in all courses or subjects of study.[2]

In 1972, Massachusetts became the first state to pass a law mandating bilingual instruction in any school district with 20 or more students of the same non-English-speaking background. Other states, including Illinois, passed similar legislation.

Federal policy on bilingual education developed around issues of equality of opportunity to groups and individuals. Several legal and regulatory actions taken to clarify these issues include:

Title VI of the Civil Rights Act of 1964 (Section 601) which bans discrimination based on race, color or national origin in any program receiving federal financial assistance.

The Department of Health, Education, and Welfare (DHEW) rules and regulations which prohibit discriminatory practices by school districts receiving federal funds.

The 1968 Bilingual Education Act (ESEA, Title VII, as amended) which recognizes languages other than English for use in public classrooms.

The 1970 Memorandum from the DHEW Office of Civil Rights, requiring school districts receiving federal funds to provide assistance to meet the special needs of language minority students.

The 1974 U.S. Supreme Court decision in Lau v. Nichols, on behalf of the Chinese children of San Francisco, affirmed the principle of the May 25, 1970 Memorandum that interpreted the Civil Rights Act of 1964. The Court ruled that the school district's failure to provide a program to meet the linguistic needs of the students denied them a meaningful opportunity to participate in the school district's educational program and violated the 1964 Civil Rights Act. This decision upheld the right of students with limited abilities in the English language to educational programs designed to meet their language needs and placed the responsibility of addressing their needs on school districts.

In the summer of 1975, HEW's Offices of Education (USOE) and Civil Rights (OCR) jointly issued the Lau Task Force Remedies for meeting the requirements of the Lau v. Nichols Supreme Court decision of 1974. Commonly referred to as the "Lau Remedies," the document outlined a series of educational approaches found to be appropriate as affirmative steps to be taken by school districts to open the instructional program to language minority children. The ultimate decision as to the specific type of assistance to be offered was left to the school district. Thus, while the "Lau Remedies" strongly endorsed bilingual education in the elementary and intermediate grades, bilingual education was not mandated. The Lau remedies endorsed English as a Second Language (ESL)

as one of the acceptable options at the high school level. They also approved ESL for students at the intermediate level who do not speak exclusively a language other than English. Alternative programs were acceptable, if school districts could demonstrate that they were equally effective in ensuring equal educational opportunity.[3]

In 1980, the Department of Education proposed "Lau" regulations which would require more specific methodological approaches. Due at least in part to voluminous testimony from numerous education groups objecting to the specificity and restrictions in the proposed regulations, they were never formally adopted. Subsequently, the Department of Education approved the Fairfax County, Virginia, "English for Speakers of Other Languages", an alternative to a bilingual education program.

More recently the Department of Education has withdrawn the Lau remedies. However, the requirements of Title VI of the 1964 Civil Rights Act which call for equal educational opportunity are still in force. By dropping the Lau remedies, the Department of Education has paved the way for states and local school districts to have more flexibility in providing services to eligible students. Major changes in the Bilingual Education Act have been proposed as part of the proposed fiscal year 1983 budget package. These changes will expand the number of instructional approaches eligible for funding under Title VII and narrow the target population given priority for these programs.

Various instructional approaches have been implemented in response to the federal requirements. These include:

English as a Second language (ESL)
Language minority children are placed in a regular classroom; however, these students receive extra instruction in English in a special curriculum. The native language may or may not be used. It is not specifically concerned with curricular content beyond language instruction itself.

Transitional Bilingual Education (TBE)
In addition to instruction in the proficient use of the English language, basic subject matter courses are taught in the native language until the student acquires sufficient knowledge of English to participate successfully in a regular classroom. Instruction in the native language is gradually phased out, and English instruction is gradually phased in. An ESL component is usually part of a TBE program.

Maintenance Program
In addition to instruction for proficiency in the English language, the ability to communicate in the native language is actively promoted. The goal is to promote proficient bilingualism.

Enrichment Program
All students are given the opportunity to participate in programs promoting bilingual skills and bicultural perspectives.

Review of Related Research

An understanding of the different types and philosophies of bilingual education programs as they have developed throughout the nation is necessary in understanding current issues at the national and state level. In the mid 70's the effect of existing bilingual programs in relation to their cost was questioned. As a result, several large scale evaluations of federal bilingual education programs were undertaken. A summary of the research follows.

The federal report, Bilingual Education: An Unmet Need (1976), was conducted by the Government Accounting Office (GAO). The purpose of this report to Congress was to assess the effectiveness of the Title VII program and suggest ways to improve its administration. According to the report, little progress in bilingual education had been made because of inadequate plans to carry out, evaluate, and monitor the bilingual education program. The GAO recommended more effective planning, improving program evaluation reports, re-examining test instruments, and limiting the number of English-speaking children allowed in any one program.

A widely publicized critique of bilingual education was produced by Noel Epstein in 1977, Language, Ethnicity and the Schools: Policy Alternatives for Bilingual-Bicultural Education. Throughout the Epstein analysis, it is clear that controversies over bilingual programs often stem not from operational or instructional issues, but from differences of opinion over the basic purposes and value of bilingual education. These opinions range from those who view any special program as counterproductive to those who advocate a full spectrum of services, including the maintenance of the native language and cultural heritage.

The American Institute for Research (AIR) (1978) conducted a study focusing on the following questions:

1. What impact (cognitive and affective) does bilingual education have on students in projects funded through ESEA Title VII?
2. What educational methods are these projects using?
3. Which practices result in greater gains in student achievement?

The AIR Study compared students enrolled in Title VII Spanish/ English bilingual projects with similar students not enrolled in such projects. Among its major findings were the following:

1. Generally less than a third of the Hispanic students were considered by their teachers to be enrolled in Title VII classrooms because of their need for English instruction.

2. Over 85% of the projects retained Spanish-speaking students in their Title VII classrooms even after the students' proficiency in English would enable them to function in a regular classroom.

3. The overall across-grade Title VII student analysis showed that the Title VII programs did not appear to be having a consistent, significant impact on student achievement in English language arts or mathematics.

The AIR study was criticized for a variety of reasons including its methodology. A senior research associate of the National Institute of Education concluded: "We have determined that the accuracy of the conclusions we reviewed in the AIR interim report is open to question. We also have determined that the conclusions regarding the types of students being served and the types of programs being operated, even if accurate, are not damaging to the program."[4]

Rudolph Troike, in Research Evidence for the Effectiveness of Bilingual Education (1978), summarized a number of studies and concluded that students enrolled in federal bilingual programs gained in achievement and benefited from instruction in two languages. He found that students enrolled in bilingual programs improved at a rate commensurate with their counterparts as measured by various standardized achievement tests, and that in several longitudinal studies students enrolled in bilingual programs consistently out-performed students receiving only English-as-a-Second Language (ESL) instruction.

The most recent report (1981) is Effectiveness of Bilingual Education: A Review of the Literature, by Keith Baker and Adriana deKanter. The report explores the effectiveness of bilingual education based on a review of other research studies. The review focused on two questions derived from the principal intent of Federal policy:

1. Does transitional bilingual education lead to better peformance in English?

2. Does transitional bilingual education lead to better performance in nonlanguage subject areas?

The conclusions were:

- Schools can improve the achievement level of language-minority children through special programs.

- The case for the effectiveness of transitional bilingual education is so weak that exclusive reliance on this instruction method is clearly not justified. Too little is known about the problems of educating language minorities to prescribe a specific remedy at the Federal level. Therefore, while meeting civil rights guarantees, each school district should decide what type of special program is most appropriate for its own unique setting.

- There is no justification for assuming that it is necessary to teach nonlanguage subjects in the child's native language in order for the language-minority child to make satisfactory progress in

school. However, if nonlanguage subjects are to be taught in English, the curriculum must be structured differently from the way the curriculum is structured for monolingual English-speaking students.

- Immersion programs, which involve structured curriculums in English for both language and nonlanguage subject areas, show promising results and should be given more attention in program development.

- The Title VII program for bilingual education must take steps to improve the quality of its program evaluations.

This report has been criticized by a variety of researchers, including the American Psychological Association (1982). Concerns regarding this report include:

- The report (and its conclusions) have been inappropriately interpreted.

- It does not support the conclusion that bilingual education is ineffective, inappropriate, or unnecessary.

- The scientific quality of the report is questionable.

All of the reports discussed have been criticized by advocates of bilingual education and other researchers.

Illinois Overview

As a result of the federal legislation on bilingual education and in recognition of the substantial number of students in Illinois with limited abilities in the English language, the Illinois General Assembly passed permissive legislation (1971) for bilingual education and appropriated funds to support the program. This permissive legislation remained in effect until 1976 and stated:

> 10-22.38a Bilingual programs
>
> To provide programs in a language other than English for those children whose first language is other than English, subject to the approval of the Superintendent of Public Instruction. Upon approval of the program the School Board shall be entitled to payments from the State of Illinois for the services and materials required.

The bilingual mandate, introduced in the Illinois General Assembly as H.B. 1223, was enacted in September 1973 as P.A. 78-727, Article 14C of The School Code of Illinois and took effect July 1, 1976 (Appendix A). The Act mandated the establishment of transitional bilingual education programs in

Illinois public schools effective July 1, 1976, and provided for state reimbursement of excess costs incurred by school districts in providing bilingual education.

The Illinois mandate for transitional bilingual education has several major components and goals which can be summarized as follows:

a. To ensure equal educational opportunity to every child.

b. To provide for the establishment of programs in transitional bilingual education which can meet the needs of students with limited abilities in the English language and facilitate their integration into the regular public school curriculum.

c. To limit the requirement for programs to those attendance centers which have an enrollment of 20 or more students with the same language background.

d. To provide for parent and community participation by the forming of parent advisory committees. Such committees afford parents the opportunity to express their views and ensure that programs are planned, operated, and evaluated with the involvement or consultation of parents. Committees are composed of parents of children enrolled in transitional bilingual education programs, teachers of these children, counselors, and representatives from community groups.

e. To provide for the approval of program and personnel standards through the statute and rules and regulations of the State Board of Education.

f. To authorize State funding for reimbursement of excess costs of the transitional bilingual education program in public school attendance centers.

Three major goals for the program were indicated during the June 1973 Senate debate on H.B. 1223:

> (1) It will apply across the board wherever there's a need; (2) the student will be taught in his own language at the same time he's learning English so that he doesn't lose time; and (3) students will obtain an education in language skills in both English and their home languages.

In addition to the discussion surrounding these three goals, there has been a continuing debate on the appropriateness of the concepts "transitional" and "bicultural." Programs which focus on transition have been seen by some groups as ultimately unsupportive of native language and culture since their aim is to return students to the regular classroom where "English only" is spoken. The statutory language dealing with instruction "in both cultures" has therefore assumed greater significance to bicultural advocates, as a way of promoting national heritages and overcoming what they perceive as the deficiencies of a transitional approach.[5]

Debate has also continued on the issues of the need, the scope, and the effectiveness of services provided to students with limited abilities in the English language. In 1978 the Illinois state legislature, at the request of the State Board of Education, funded a state-wide evaluation study. The evaluation study had two major purposes: 1) to study the effects of the transitional bilingual education program in Illinois; and 2) to develop and field-test a comprehensive and systematic evaluation design for future use in the program. The nineteen specific questions addressed by the study can be found in Appendix B. Recommendations as a result of this study were to:

a) Establish a management information system to maintain complete, accurate, uniform and comprehensive program data.

b) Establish a framework to guide planning, operation, and evaluation of transitional bilingual education programs.

c) Establish a goal-based evaluation model supplemented by special studies to determine context and design variables that affect student performance.

d) Focus on answering questions that can provide guidance for program efficiency and system design.

e) Revise program goals to more accurately reflect a consensus between program direction and expected outcomes.

f) Revise rules and regulations to reflect new program goals and clarify operating procedures for the transitional bilingual program.

g) Conduct a study of the appropriateness and utility of using the current six levels of language proficiency.

Subsequent to the study, the Illinois State Board of Education adopted a policy statement (February 14, 1980) reaffirming its commitment to the full implementation of Article 14C of The School Code of Illinois. The current policy eliminates references to bicultural education and refers only to transitional bilingual education. It takes into consideration the characteristics of the present mandate and as such, provides criteria for eligibility and successful program completion and recommends that every eligible student receive state and local support without regard to the numbers of students enrolled in each local district or attendance center. In addition, the policy provides for coordination with other programs and for state and local fiscal support. (Appendix C)

The policy also committed the State Board of Education to developing standardized procedures to determine student eligibility, program participation and evaluation.

The State Board of Education developed a system for each local district to record and report data for each student enrolled in a transitional bilingual education program. In 1979-80 the first state-wide Program Evaluation and

Summary Report was drafted. This report addressed ten specific questions dealing with the impact of the program (Appendix D). Results indicated that students received services and were transitioned into regular classrooms. In addition, the report indicated that there are also eligible students who do not receive services due to lack of parental permission, placement in another program deemed more appropriate for the child (such as special education), or attendance at schools where there are less than 20 students of the same language background.

Following a state and local district review of the first year's report, it was determined to continue the new evaluation and reporting system and to expand it in order to answer questions about other approaches to educating eligible students. Four proposed research questions emerged (1981), particularly after discussions with legislative and executive branch staff.

1. Do students in transitional bilingual education programs show greater evidence of progress in English language skills, reading skills, as well as math and social skills, than do students with limited abilities in English language who do not participate in special programs?

2. Do students in transitional bilingual education programs show greater evidence of progress (in the above subjects) than do students in English as a Second Language (ESL) programs? Do students in transitional bilingual programs show greater evidence of progress (in the above subjects) than do students in modified immersion programs or in total submersion programs?

3. Is there an optimal age to enroll students in transitional bilingual programs? In ESL programs? In modified immersion programs? In total submersion programs?

4. How do Illinois programs compare with those of other states in terms of 1) cost per pupil, 2) exit rate, 3) successful transition rate, 4) English progress, 5) subject matter progress, and 6) native language progress?

The Illinois State Board of Education will respond to these questions in future evaluation studies.

In summary, the questions still being asked about bilingual programs at the federal level reflect questions being asked at the state level which are:

1. What are the purposes of bilingual education?

2. What are the most effective ways to help students who have limited abilities in the English language move into regular classrooms while providing for equal educational opportunity?

3. What are the results of providing special programs for students with limited abilities in the English language?

The following section presents an analysis of these three questions as they relate to the Illinois mandate for transitional bilingual education.

IV. ANALYSIS OF ISSUES

The Illinois mandate for bilingual education evolved in response to a need to adequately educate children with limited abilities in the English language. Issues regarding the purpose, methods, and results of bilingual education have encompassed the program since its inception. These three issues, posed as questions, are discussed in this section.

1. WHAT ARE THE PURPOSES OF BILINGUAL EDUCATION?

The primary purpose of bilingual education for both the federal and state level is to provide equal educational opportunity to students with limited abilities in the English language. Title VI of the Civil Rights Act of 1964 (Section 601) and the 1974 U.S. Supreme Court decision in Lau v. Nichols reflect this purpose.

The Illinois statute (Article 14C-1) states that the "General Assembly believes that a program of transitional bilingual education can meet the needs of these children and facilitate their integration into the regular public school curriculum. Pursuant to the policy of this State to insure equal educational opportunity to every child, and in recognition of the educational needs of children of limited English-speaking ability... it is the purpose of this Act to provide for the establishment of transitional bilingual education programs in the public schools..."

Children of limited English-speaking ability are defined as (14C-2.(d)):

> (1) children who were not born in the United States whose native tongue is a language other than English and who are incapable of performing ordinary classwork in English; and (2) children who were born in the United States of parents possessing no or limited English-speaking ability and who are incapable of performing ordinary classwork in English.

The statute specifies: "When, at the beginning of any school year, there is within an attendance center of a school district, not including children who are enrolled in existing private school systems, 20 or more children of limited English-speaking ability in any such language classification, the school district shall establish for each classification, a program in transitional bilingual education for the children therein; provided, however, that a school district may establish a program in transitional bilingual education with respect to any classification with less than 20 children therein."

As a result of statutory language, student eligibility for transitional bilingual education programs has to be defined in two ways. First, the eligibility is determined on the basis of language background/proficiency. Second, the eligibility for access to required programs is determined by the number of language eligible students with the same language background in the particular attendance center. Students who are eligible based on

language assessment, but are in an attendance center with less than 20 eligible students, may receive language transition services at the discretion of the local district, but there is no requirement that the services be provided under those conditions. Districts which choose to offer programs that are in compliance with statutory and regulatory conditions are eligible for state reimbursement.

The enrollment condition was apparently established on reasonable grounds of practicality and has in fact resulted in the provision of services to a large majority of the eligible students. However, a legitimate question may be asked about whether the condition acts as an unwarranted limitation on the stated equal educational opportunity policy.

Data from the past two years show that a substantial number of language eligible students are not receiving language transition services (see Table 1), although this fact is not due only to the enrollment condition. Other factors include parental choice, lack of resources, and unavailability of language-qualified personnel.

While current reporting requirements do not allow for a precise count, it is reasonably estimated that there are 250-300 districts with language-eligible students in groups of less than 20 per attendance center, and it is further estimated that this represents a total of no less than 1,500 students statewide.

Table 1

Number and Percentage of Eligible Students Served in Illinois Transitional Bilingual Programs

Fiscal Year	Number of Eligible Students[1]	Number of Students Served[2]	Percentage of Students Served	Percentage of Students Not Served
80	49,645	41,966	84.5%	15.5%
81	56,256	37,028	65.8%	34.2%

[1]Data were taken from the Public School Bilingual Census.
[2]Data for FY 80 and FY 81 were obtained from the Transitional Bilingual Education Annual Program Report.

Data prior to 1980 are not comparable due to the change in 1980 census procedures.

There has been an increase between 1980 and 1981 in the number of identified eligible students. Illinois is one of 12 states and territories that mandate programs in bilingual education. According to information received from the National Clearinghouse on Bilingual Education, the Office of Civil Rights, and representatives of individual state education agencies, Illinois ranks third in population of limited English-speaking students.

As shown in Table 1, 15.5% of the students eligible in FY 80 and 34.2% of the students eligible in FY 81 did not participate in transitional bilingual education programs. The Lau v. Nichols decision emphasized the right of all children to equal educational opportunity. However, the 1979-80 Program Summary and Evaluation Report of Bilingual Education in Illinois states that some limited English-speaking students are not served because 1) they attend schools where there are less than 20 students of the same language background; 2) parents deny permission; 3) placement in another program of instruction is considered more appropriate. Data concerning number of students affected by each of these categories are not available. The right of parents to deny permission for their children to participate in this program is included as part of the mandate (14C-4).

In brief, the major educational purpose of the transitional bilingual education program is to facilitate the integration of children with limited abilities in the English language into the regular public school curriculum. Students remain in the program for three years or until such time that they achieve a level of English language skills which will enable them to perform successfully in all-English classrooms, whichever occurs first.

Although not stated specifically in the Illinois statute, another purpose of the program inferred by some is to prevent students with limited abilities in English from losing ground academically while developing English language skills.

2. WHAT ARE THE MOST EFFECTIVE WAYS TO HELP STUDENTS WHO HAVE LIMITED ABILITIES IN THE ENGLISH LANGUAGE?

The Illinois statute (Article 14C-2(f)) defines the transitional bilingual education program as:

> "Program in transitional bilingual education" means a full-time program of instruction (1) in all those courses or subjects which a child is required by law to receive and which are required by the child's school district which shall be given in the native language of the children of limited English-speaking ability who are enrolled in the program and also in English, (2) in the reading and writing of the native language of the children of limited English-speaking ability who are enrolled in the program and in the oral comprehension, speaking, reading and writing of English, and (3) in the history and culture of the country, territory or geographic area which is the native land of the parents of children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States; or a part-time program of instruction based on the educational needs of those children of limited English-speaking ability who do not need a full-time program of instruction.

This definition expands upon the finding and declaration statement (14C-1) by describing a specific methodology/pedagogy in the definition of a full-time program. This prescribed approach focuses heavily on the use of

both languages in the instructional program in pursuing the goal of the student being able to successfully transition to effective use of the English language.

Other instructional approaches have also been developed and implemented. The various approaches emanate from both philosophical and methodological differences between their respective proponents. While there is general agreement that students with limited abilities in the English language should learn English, views regarding the purpose and means of teaching English vary widely. The four general approaches are:

English as a Second Language (ESL) - Language minority children are placed in a regular classroom; however, these students receive extra instruction in English in a special curriculum. The native language may or may not be used in the ESL instruction.

Transitional Bilingual Education (TBE) - Basic subject matter courses are taught in the native language until the student acquires sufficient knowledge of English to participate successfully in a regular classroom. Instruction in the native language is gradually phased out, and full English instruction is gradually phased in. An ESL component is usually part of a TBE program.

Structured Immersion - All instruction is in English. However, the teacher understands the native language, and students may use the native language. The curriculum is structured so that instruction in the content areas does not progress beyond the students' English language ability.

Maintenance - Over an extended period of time, instruction is provided in both the native language and English. There is no attempt to replace the native language with English; rather it is the intent of the program that a child be proficient in both languages.

In practice, there are modest variations within these four approaches. Variations are used by districts so that local circumstances can be accommodated (i.e., age/grade level of students, proficiency levels, number of language groups and number of students in an attendance center). As a result, the type of instruction received by students in these programs varies in detail from place to place.

Maintenance programs are inappropriate for use in Illinois state-funded programs as they are currently defined since they are intended to promote proficiency in both languages over the entire educational span and the stated purpose of the Illinois mandate is to effect a transition to proficiency in the English language. To an extent, the other approaches are all transitional language programs. Major arguments of proponents and opponents of the other three approaches are summarized in Table 2.

Table 2

Major Arguments of Proponents and Opponents of Each Approach

Approach	Proponents	Opponents
English as a Second Language (ESL)	Easiest to implement in diverse or small populations. May be used where native language teachers are not available.	Often results in students being several grade levels behind other children by the time they have become proficient in English. Ignores cultural background.
Transitional Bilingual Education (TBE)	Provides for academic achievement in subject areas while learning English. Improves self-concept.	Students proficient in English remain in the program. Instruction should be provided only in English. Promotes biculturalism.
Structured Immersion	Provides for achievement in academic areas without instruction in native language.	Slows the academic growth of students. Ignores cultural and self-concept issues.

Evaluations of these approaches have been undertaken, but there have been no definitive studies. (Some of these studies were discussed earlier in this report.) While there is general agreement that special programs can improve the language achievement level of language minority children, no single approach has been shown to be most effective in all situations or even under a particular set of circumstances.

The prescriptive elements contained in Illinois' definition of a transitional language program preclude local use of other approaches unless they are added to the basic bilingual program. That is, districts may not be reimbursed for a full-time ESL program. There is, however, no conclusive evidence that one approach is more effective than another in transitioning limited English-speaking students into the regular school curriculum.

Instruction in the origin and ethnic heritage of students has been a concern among some legislators, educators and members of local communities. In brief, they feel a program to preserve the children's sense of their native culture runs contrary to the goal of Americanization or assimilation into the dominant culture. It is also argued that the program will create more separation among the various ethnic and cultural groups in the United States. Still others simply feel that its importance in the program has been overemphasized.

Advocates of this component, including legislators, educators and community members, hold that the inclusion of cultural awareness enhances language and conceptual development by fostering a positive self-concept among students. They maintain that pride in and knowledge of one's own ethnic heritage and cultural background can improve understanding and acquisition of a second culture.

Unquestionably this aspect of the mandate receives inordinate attention and is the focus of unwarranted controversy in a program which has as its major purpose the acquisition of skills in the English language, rather than knowledge and appreciation of history and culture.

3. WHAT ARE THE RESULTS OF THE BILINGUAL EDUCATION MANDATE?

In 1979, the State Board of Education developed and implemented a uniform data collection procedure which includes these components.

A. Public School Bilingual Census
B. Program Application
C. Student Cumulative Record
D. Annual Program Report

Article 14C-3 requires local districts to determine annually the number of children of limited English-speaking ability within the district and classify them according to language, grade level, age or achievement level. This information is submitted to the State Board of Education by way of the Public School Bilingual Census. The census has been designed to identify all non-English background students and to distinguish which of these students are eligible for program participation.

The census requires local districts to develop procedures or a standardized plan for evaluating all students. One rationale for this inclusion is that if this type of procedure is not in place, then it becomes difficult to make decisions on whether bilingual students could be expected to succeed in an all-English classroom because the local standard for comparison has not been established.

The Student Cumulative Record is a form which remains at the local district for local use and serves to record information for the Annual Student Report. The Annual Student Report provides the basis for statewide evaluation activities to assess individual student progress and total program effectiveness. Individual student information is reported, including scores in English language proficiency, attendance and other program information. The data collected on these instruments provide a basis for determining if students are transitioning into the regular curriculum.

Parent advisory committees are either involved or consulted regarding these procedures. Establishing local parent advisory committees reflects federal policy and the State mandate. This is the only program for which the state does mandate parent advisory committees.

Prior to the mandate, permissive programs existed in some local districts. The number of districts providing programs and the State allocations from FY 71 through FY 81 are noted in Table 3.

Table 3
Number of Districts Providing Bilingual
Programs and State Allocations
from FY 71 through FY 81

Fiscal Year	Number of Districts with Bilingual Programs	State Allocations
71	1	$ 200,000
72	12	805,000
73	28	2,370,000
74	40	6,000,000
75	53	8,000,000
76*	63	9,000,000
77	63	13,000,000
78	65	13,800,000
79	67	14,600,000
80	70	16,600,000
81	76	17,500,000

*Beginning of the mandate

According to the 1979-80 Program Summary and Evaluation Report, students are not only exiting from the program (leaving the program for a variety of reasons, such as dropping out, moving to an attendance center which does not offer a program, or withdrawing at request of parent), but are also transitioning (i.e., performing successfully in an all-English curriculum as determined by district criteria). Table 4 illustrates the statewide exit and transition rates for FY 80 and FY 81.

Table 4

Statewide Exit and Transition Rates

	FY 80	FY 81
Number of participants	41,966	37,028
Number of students exiting	1,118	1,461
Exit rate	2.6%	3.9%
Number of students transitioned	6,118	5,201
Transition rate	14.6%	14.0%

As evident from the data, more students are transitioning into regular classroom programs than are exiting from the program. Data from other states are not comparable to Illinois data due to the differences in data collection and analysis. Table 5 provides Illinois transition rates by grade level for FY 81.

Table 5

FY 81 Transition Rates by Grade Level

Grade Level	Number of Participants	Number Transitioned	Percent Transitioned
K	6026	364	6.0%
1	5793	551	9.5%
2	4840	1014	20.9%
3	3627	670	18.5%
4	2932	552	18.8%
5	2579	475	18.4%
6	2282	329	14.4%
7	1963	260	13.3%
8	1702	228	13.4%
9	2450	262	10.7%
10	1614	195	12.1%
11	845	180	21.3%
12	375	121	32.3%
TOTAL	37,028	5,201	14.0%

The transition rates for grades 2 through 6, 11 and 12 exceed the statewide rate. Rates for the remaining grades are lower than the statewide rate. Over 75% of the students transitioned from the programs during FY 81 were in grades K through 6.

The question of student progress in bilingual programs is addressed in the 1979-80 Program Summary and Evaluation Report:

> Positive achievement gains were reported for students participating in Illinois transitional bilingual education programs. On English language proficiency and dominance tests, downstate students were found to have raised their proficiency level by one category (on a language proficiency scale of 1-5), a considerable gain in one program year. Scores based on the Iowa Test of Basic Skills, a measure of reading achievement, indicate that Chicago's transitional bilingual education students scored better than expected when compared with English-speaking cohorts in compensatory programs. Furthermore, Chicago's students were acquiring English comprehension and speaking skills while developing basic reading skills.

At present, the State Board of Education is improving the system for collecting test information by providing districts with technical assistance relevant to test selection, test administration and use of the results. In addition, it is refining the evaluation questions for which the data provide responses.

In summary, it is generally agreed that special programs can improve the language achievement level of students with limited abilities in the English language. However, no single approach has been shown to be the most effective in all situations or even under a particular set of circumstances. Students are transitioning into the regular curriculum. In addition, positive achievement gains have been reported for children participating in the Illinois transitional bilingual education programs.

The primary purpose of the Illinois mandate for bilingual education is to provide equal educational opportunity to students with limited abilities in the English language. The limitations of the present mandate in terms of requiring 20 or more students with common language backgrounds before a program is established hamper the ability of the State to ensure provision of equal educational opportunity to all children. Not all eligible students are being provided with special programs.

The following section contains the findings and conclusions of this report.

V. FINDINGS AND CONCLUSIONS

This report is based upon a review of materials related to the Illinois statutory mandate for transitional bilingual education. The examination resulted in the identification of three specific questions which were addressed in the report. The ensuing analysis shaped the framework for responding to the five general mandate study questions approved by the State Board of Education. These questions and a brief response to each as it concerns the bilingual education mandate are presented below.

1. DOES THE MANDATE REFLECT A COMPELLING STATE INTEREST?

Illinois has a substantial population of students with limited abilities in the English language. The State's interest in equal educational opportunity is addressed at least in part by the bilingual education mandate. It is also apparent that the State's interest in providing for a competent educated citizenry cannot be realized when students are unable to adequately comprehend the English language. The principal educational purpose of this program is to enable students with limited proficiency in English to develop English language skills to a level which makes it possible for them to adequately participate in the regular school curriculum. We are inevitably led to the conclusion that for reasons of equal educational opportunity and the pervasive State concern for an educated citizenry, the mandate does reflect a compelling State interest.

2. WHAT DESIRABLE CONDITION OR OUTCOME IS CALLED FOR BY THE MANDATE?

The primary outcome of the transitional bilingual education mandate is to expedite integration of students with limited abilities in the English language into the regular public school curriculum as a means of assuring equal educational opportunity.

3. IS THERE EVIDENCE THAT IN THE ABSENCE OF THE MANDATE THE CONDITION OR OUTCOME WILL NOT BE ACHIEVED?

Yes. A limited number of programs existed in the years prior to the mandate and were supported by a limited amount of state reimbursement. There has been a substantial increase in both the number of programs and level of state funding since implementation of the mandate. It is reasonable to assume that in the absence of the mandate and the state reimbursement the number of projects and number of students being served would not have increased to this extent.

4. AS PRESENTLY DEFINED DOES (CAN) THE MANDATE YIELD THE DESIRED RESULT?

Yes. The primary purpose of the program is to enable students to achieve a level of comprehension in English that warrants transitioning into an all-English program. Documentation collected over the last several years, although limited, is decisive. Thousands of students have acquired the necessary skills and have been moved into the regular classroom.

5. COULD THE MANDATE BE DEFINED OR IMPLEMENTED DIFFERENTLY AND YIELD THE DESIRED RESULTS?

Yes. As presently defined, the mandate requires that transitional bilingual education programs be developed for all attendance centers having twenty or more students of the same language group with limited abilities in the English language. The instructional approach required is prescribed by law, and reimbursement is provided for only that mode of instruction. Instructional approaches other than transitional bilingual education have been developed and implemented. Available research, although limited and questioned by some, indicates that no one approach has been shown to be most effective in all situations or even under particular circumstances. When and if such research provides conclusive evidence that one method is preferable over all others, it should be considered for requirement. Until such time, however, the law should exclude any reference to methodology and thus provide for local district flexibility in selecting instructional approaches to achieve transition. The law should direct the State Board of Education to develop rules and regulations to implement the goals of the mandate and establish the criteria by which LEA's may develop programs.

In addition, some students with limited ability in English are not served because they attend schools where there are less than 20 students of the same language background. Yet, when the state's interest in equal educational opportunity is considered, the inconsistency of applying a 20-student limit is apparent. The rights of all students to equal educational opportunity should be assured on the grounds of equity and in the best interests of the children. Allowing more flexibility in programs coupled with a requirement to serve all children could address the problem.

Further, the requirement in the law to teach the history and culture of the country which is the native land of the student's parents is unnecessarily prescriptive and tends to obscure the primary objective of the mandate. This conclusion should not be considered a denial of the potential usefulness of history and culture in accomplishing the purpose of the law, but rather an admission that such content in the instructional program is only one of the many avenues available to accomplish that purpose.

CONCLUSIONS

- The State has a compelling interest in mandating that transitional services be made available to all students with limited abilities in the English language.

- The teaching of the history and culture of the native land of students' parents should not be a requirement of the law.

- The State has no compelling interest in requiring a particular instructional methodology in the context of a transitional language program.

- There is a need on the state level to determine through further study:

  a) How many eligible students are there in attendance centers with less than 20 students of a common language background?

  b) Where are they located?

  c) Are they receiving other types of services to assist them in learning English?

  d) Is there a possible value of extending language training to the eligible early childhood population?

  e) What are the ramifications of the present legal authority (14C-4) for parents to withdraw their children from bilingual programs?

Preliminary recommendations for action are in the following section.

VI. PRELIMINARY RECOMMENDATIONS FOR ACTION BY THE STATE BOARD OF EDUCATION

As a result of this study, it is recommended that action on the transitional bilingual mandate be undertaken as follows. These recommended actions are intended to address the compelling State interest in transitional language education and the necessity to define that interest in terms of effective programs most beneficial to the individual student.

Recommendations

The current mandate should be revised as follows:

1. The mandate should apply to all students in public schools with limited abilities in the English language in grades K-12.

2. Locally determined alternative instructional approaches should be allowed which are consistent with the goal of achieving early and effective transition to the regular school curriculum.

3. The statute should be amended to:

   - eliminate the requirement that history and culture be taught, but include the desirability of such content in a language transition program.
   - exclude any reference to specific methodology of instruction.
   - provide for local flexibility in assuring participation of parents and community organizations.

   Based upon implementation of the above recommendations, the State Board of Education should direct staff to develop rules and regulations to implement the goals of the mandate as amended.

4. The State Board of Education should instruct the Superintendent to direct staff to conduct research on:

   a) The number of eligible students in attendance centers with less than 20 students of a common language background.
   b) The types of services these students are receiving.
   c) The possible value of extending language training to the eligible early childhood population.
   d) The ramifications of parents withdrawing their children from bilingual programs.

These recommendations are based upon the conclusion that there is enough evidence linking special programs for students with limited abilities in English to their successful integration into regular classrooms to support a compelling state interest in a mandate. They are also based upon the conclusion that both the current mandate and practices are not precisely directed to either the primary interest of the state or to the particular needs of students with limited abilities in the English language.

VII. APPENDICES

CHAPTER 122 — SCHOOLS

ARTICLE 14C. TRANSITIONAL BILINGUAL EDUCATION

Sec.

14C—1. Legislative finding and declaration.
14C—2. Definitions.
14C—2.1 Establishment of programs until July 1, 1976.
14C—3. Language classification of children—Establishment of program—Period of participation—Examination.
14C—4. Notice of enrollment—Content—Rights of parents.
14C—5. Nonresident children—Enrollment and tuition—Joint programs.
14C—6. Placement of children.
14C—7. Participation in extracurricular activities of public schools.
14C—8. Teacher certification—Qualifications—Issuance of certificates.
14C—9. Tenure—Minimum salaries.
14C—10. Parent and community participation.
14C—11. Preschool or summer school program.
14C—12. Account of expenditures—Cost report—Reimbursement.

Article 14C was added by P.A. 78-727, § 1, effective October 1, 1973.

14C—1. § 14C-1. **Legislative finding and declaration.** The General Assembly finds that there are large numbers of children in this State who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language. The General Assembly believes that a program of transitional bilingual education can meet the needs of these children and facilitate their integration into the regular public school curriculum. Therefore, pursuant to the policy of this State to insure equal educational opportunity to every child, and in recognition of the educational needs of children of limited English-speaking ability, and in recognition of the success of the limited existing bilingual programs conducted pursuant to Sections 10—22.38a and 34—18.2 of The School Code, it is the purpose of this Act to provide for the establishment of transitional bilingual education programs in the public schools, and to provide supplemental financial assistance to help local school districts meet the extra costs of such programs.
Added by P.A. 78-727, § 1, eff. Oct. 1, 1973.

14C—2. § 14C-2. **Definitions.** Unless the context indicates otherwise, the terms used in this Article have the following meanings:

(a) "Superintendent's Office" means the Office of the Superintendent of Public Instruction;

(b) "Certification Board" means the State Teacher Certification Board;

(c) "School District" means any school district established under this Code;

(d) "Children of limited English-speaking ability" means (1) children who were not born in the United States whose native tongue is a language other than English and who are incapable of performing ordinary classwork in English; and (2) children who were born in the United States of parents possessing no or limited English-speaking ability and who are incapable of performing ordinary classwork in English;

(e) "Teacher of transitional bilingual education" means a teacher with a speaking and reading ability in a language other than English in which transitional bilingual education is offered and with communicative skills in English;

(f) "Program in transitional bilingual education" means a full-time program of instruction (1) in all those courses or subjects which a child is required by law to receive and which are required by the child's school district which shall be given in the native language of the children of limited English-speaking ability who are enrolled in the program and also in English, (2) in the reading and writing of the native language of the children of limited English-speaking ability who are enrolled in the program and in the oral comprehension, speaking, reading and writing of English, and (3) in the history and culture of the country, territory or geographic area which is the native land of the parents of children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States; or a part-time program of instruction based on the educational needs of those children of limited English speaking ability who do not need a full-time program of instruction.
Added by P.A. 78-727, § 1, eff. Oct. 1, 1973.

14C—2.1 § 14C-2.1 **Establishment of programs until July 1, 1976.** School boards of any school districts that maintain a recognized school, whether operating under the general law or under a special charter, may until July 1, 1976, depending on available state aid, and shall thereafter, subject to any limitations hereinafter specified, establish and maintain such transitional bilingual programs as may be needed for children of limited English-speaking ability as authorized by this Article.
Added by P.A. 78-727, § 1, eff. Oct. 1, 1973.

14C—3. § 14C-3. **Language classification of children—Establishment of program—Period of participation—Examination.** Each school district shall ascertain, not later than the first day of March, under regulations prescribed by the Superintendent's Office, the number of children of limited English-speaking ability within the school district, and shall classify them according to the language of which they possess a primary speaking ability, and their grade level, age or achievement level.

When, at the beginning of any school year, there is within an attendance center of a school district not including children who are enrolled in existing private school systems, 20 or more children of limited English-speaking ability in any such language classification, the school district shall establish, for each classification, a program in transitional bilingual education for the children therein; provided,

however, that a school district may establish a program in transitional bilingual education with respect to any classification with less than 20 children therein.

Every school-age child of limited English-speaking ability not enrolled in existing private school systems shall be enrolled and participate in the program in transitional bilingual education established for the classification to which he belongs by the school district in which he resides for a period of 3 years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English, whichever shall first occur.

A child of limited English-speaking ability enrolled in a program in transitional bilingual education may, in the discretion of the school district and subject to the approval of the child's parent or legal guardian, continue in that program for a period longer than 3 years.

An examination in the oral comprehension, speaking, reading and writing of English, as prescribed by the Superintendent's Office, shall be administered annually to all children of limited English-speaking ability enrolled and participating in a program in transitional bilingual education. No school district shall transfer a child of limited English-speaking ability out of a program in transitional bilingual education prior to his third year of enrollment therein unless the parents of the child approve the transfer in writing, and unless the child has received a score on said examination which, in the determination of the Superintendent's Office, reflects a level of English language skills appropriate to his or her grade level.

If later evidence suggests that a child so transferred is still handicapped by an inadequate command of English, he may be re-enrolled in the program for a length of time equal to that which remained at the time he was transferred.
Added by P.A. 78-727, § 1, eff. Oct. 1, 1973.

14C—4. § 14C-4. Notice of enrollment—Content—Rights of parents. No later than 10 days after the enrollment of any child in a program in transitional bilingual education the school district in which the child resides shall notify by mail the parents or legal guardian of the child of the fact that their child has been enrolled in a program in transitional bilingual education. The notice shall contain a simple, nontechnical description of the purposes, method and content of the program in which the child is enrolled and shall inform the parents that they have the right to visit transitional bilingual education classes in which their child is enrolled and to come to the school for a conference to explain the nature of transitional bilingual education. Said notice shall further inform the parents that they have the absolute right, if they so wish, to withdraw their child from a program in transitional bilingual education in the manner as hereinafter provided.

The notice shall be in writing in English and in the language of which the child of the parents so notified possesses a primary speaking ability.

Any parent whose child has been enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from said program by providing written notice of such desire to the school authorities of the school in which his child is enrolled or to the school district in which his child resides; provided that no withdrawal shall be permitted unless such parent is informed in a conference with school district officials of the nature of the program.
Added by P.A. 78-727, § 1, eff. Oct. 1, 1973.

14C—5. § 14C-5. Nonresident children—Enrollment and tuition—Joint programs. A school district may allow a nonresident child of limited English-speaking ability to enroll in or attend its program in transitional bilingual education and the tuition for such a child shall be paid by the district in which he resides.

Any school district may join with any other school district or districts to provide the programs in transitional bilingual education required or permitted by this Article.
Added by P.A. 78-727, § 1, eff. Oct. 1, 1973.

14C—6. § 14C-6. Placement of children. Children enrolled in a program of transitional bilingual education whenever possible shall be placed in classes with children of approximately the same age and level of educational attainment. If children of different age groups or educational levels are combined, the school district so combining shall ensure that the instruction given each child is appropriate to his or her level of educational attainment and the school districts shall keep adequate records of the educational level and progress of each child enrolled in a program. The maximum student-teacher ratio shall be set by the Superintendent's Office and shall reflect the special educational needs of children enrolled in programs in transitional bilingual education. Programs in transitional bilingual education shall, whenever feasible, be located in the regular public schools of the district rather than separate facilities.
Added by P.A. 78-727, § 1, eff. Oct. 1, 1973.

14C—7. § 14C-7. Participation in extracurricular activities of public schools. Instruction in courses of subjects included in a program of transitional bilingual education which are not mandatory may be given in a language other than English. In those courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not necessarily limited to art, music and physical education, children of limited English-speaking ability shall participate fully with their English-speaking contemporaries in the regular public school classes provided for said subjects. Each school district shall ensure to children enrolled in a program in transitional bilingual education practical and meaningful opportunity to participate fully in the extracurricular activities of the regular public schools in the district.
Added by P.A. 78-727, § 1, eff. Oct. 1, 1973.

14C—8. § 14C-8. Teacher certification—Qualifications—Issuance of certificates. No person shall be eligible for employment by a school district as a teacher of transitional bilingual education unless he meets the requirements set forth in this Section. School districts shall give preference in employing transitional bilingual education teachers to those individuals who have the relevant foreign cultural background established through residency abroad or by being raised in a non-English speaking environment. The Certification Board shall issue certificates valid for teaching in all grades of the common school in transitional bilingual education pro-

February 15, May 15 and September 20 the State report of claims to the Comptroller and prepare the vouchers showing the amounts due the respective regions for their school district's reimbursement claims. Upon receipt of the August final adjusted claims the State Superintendent shall make a final determination of the accuracy of such claims. If the money appropriated by the General Assembly for such purpose for any year is insufficient, it shall be apportioned on the basis of the claims approved.

Failure on the part of the school district to prepare and certify the final adjusted claims due under this Section on or before August 10 of any year, and its failure thereafter to prepare and certify such report to the regional superintendent of schools within 10 days after receipt of notice of such delinquency sent to it by the Superintendent's Office by registered mail, shall constitute a forfeiture by the school district of its right to be reimbursed by the State under this Section.

Amended by P.A. 79-1417, § 1, eff. Oct. 1, 1976.

Appendix B
Evaluation Questions*

1. What is the total number of students by language level of limited English-speaking proficiency?

2. What is the total number of students enrolled in all bilingual education programs?

3. What is the total number of students enrolled in transitional bilingual education programs?

4. What is the total number of students by language level of limited English language proficiency who are not being served by any type of bilingual education program?

5. What entrance/exit criteria are utilized to determine student participation in the transitional program?

6. In what ways are the entrance/exit criteria appropriate?

7. To what extent do students in the transitional bilingual education program make gains in English language skills (i.e., oral receptive language, oral productive language, reading comprehension, and writing skills)?

8. To what extent do students in the transitional bilingual education program make gains in mathematics and other subject areas?

9. Do students in the transitional bilingual program exhibit growth in self-esteem?

10. What evidence reflects the "transitional component" of the transitional bilingual program?

11. How long do students remain in the program?

12. How are students characteristically transitioned from the bilingual education program into the all-English program?

13. How many students have been transitioned?

14. To what extent are students who have been transitioned prepared to achieved at a rate commensurate with their age, grade level and ability in all subject areas?

15. What effect does the transition of students from the transitional bilingual program into regular school program have on students' self-esteem?

*An Evaluation of the State Funded Illinois Transitional Bilingual Education Program: Final Report, 1979.

16. What types of teacher characteristics and staffing models appear to correlate with improved student performance in transitional bilingual programs?

17. What are the unanticipated effects (affective and cognitive) that are evident from and attributable to the presence of transitional bilingual programs in the total school environment?

18. What have been the effects of transitional bilingual programs on attendance of participating students?

19. To what extent has there been parent and community involvement in the transitional bilingual program and what has been the impact of this involvement?

Responses to these questions can be found in L. Miranda and Associates, Inc. An Evaluation of the State Funded Illinois Transitional Bilingual Education Program: Final Report. Washington, D.C.: 1979.

Appendix C

ILLINOIS STATE BOARD OF EDUCATION
POLICY STATEMENT
ON
BILINGUAL EDUCATION

- PREAMBLE -

Children in Illinois schools come from many ethnic, racial, linguistic and cultural backgrounds. Bilingual education in Illinois provides a full opportunity to succeed in school to most students who are linguistically distinct from the English-speaking population and who are limited in their English language proficiency. This opportunity is provided through both mandated and optional programs of transitional bilingual education as set forth in Article 14C of The School Code of Illinois.

At the same time, the State Board of Education is aware that each student who has limited English language proficiency has the right, as affirmed by the United States Supreme Court, to an equal educational opportunity.

To increase the chances of school success, the State Board of Education reaffirms its commitments to the full implementation of Article 14C and hereby adopts the following policy on Bilingual Education which supersedes the 1975 policy statement.

- STATEMENT OF POLICY -

I. Student Eligibility and Program Participation

The State Board of Education believes that the educational needs of each student limited in English proficiency should be met. The Board shall approve the standards by which the district determines the eligibility of its non-English background students for transitional bilingual education programs and services. The required primary criterion for eligibility and successful program completion for each non-English background student shall be an acceptable measure of English proficiency as compared with peers whose first or native language is English.

The Board recommends that every eligible student receive state and local support without regard to the numbers of such students enrolled in each local district or attendance center. Where appropriate and practicable, the transitional bilingual education programs may be provided on a cooperative multi-school, multi-district or regional basis.

II. Coordination with Other Programs

The State Board of Education will take the initiative to coordinate state and federal categorical programs which provide services to the limited-English proficient student to assure that resources are effectively combined to meet the transitional needs. To this end, the Board will cooperate with and support the newly created federal Department of Education and the federal Office of Bilingual Education and Minority Languages Affairs.

Effectively trained personnel should be available to students in all areas of bilingual education.

III. State and Local Fiscal Support

The fiscal support of transitional bilingual programs is a shared responsibility between local districts and the state. The State Board of Education will design state financial assistance in ways that: 1) recognize and respond to differential program costs within each local district; 2) assure that local districts are providing for each student in a transitional bilingual education program at least at the level of per pupil support for their regular programs; 3) call for local program accounting procedures that display expenditures eligible for state reimbursement; 4) provide for annual evaluation of state and local fiscal support.

This policy statement limits state fiscal support to the bilingual education programs that are transitional as defined by statute in The School Code of Illinois.

To implement the provisions of this policy, the State Board of Education will prepare and disseminate rules for the development of local standards and provide a uniform statewide procedure for collecting and reporting eligibility, program content, and program completion information on an annual basis. The Board will also propose legislative amendments to Article 14C of The School Code as needed.

While state mandated and funded programs are transitional in nature, the State Board of Education recognizes that bilingual students bring to the schools language and cultural talents that may serve to enrich both the school setting and curriculum.

Appendix D

Primary Evaluation Questions*
1979-80

1. What is the total number of identified limited-English language proficient students, by language, who were served through state-funded transitional bilingual education programs during the 1979-80 school year?

2. What is the total number of identified limited-English language proficient students by language who were under-served through state-funded transitional bilingual education programs during the 1979-1980 school year?

3. What is the total number of identified limited-English language proficient students by language who were not served through state-funded transitional bilingual education programs during the 1979-1980 school year?

4. What entrance criteria were utilized to determine student participation in the transitional bilingual education program?

5. How many students left transitional bilingual education programs during the 1979-1980 school year?

6. Of the students leaving the transitional bilingual education programs, what were the reasons?

7. To what extent did students in transitional bilingual education programs show evidence of progress in English language skills?

8. Which assessment instruments, according to category, were utilized for English language skill assessment?

9. How many average mintues per day of English as a second language (ESL), native language, and instruction utilizing English did students in transitional bilingual education programs receive?

10. Of the students identified as being from non-English backgrounds, how many were eligible for transitional bilingual education program services?

Responses to these questions can be found in Illinois State Board of Education, The First Annual Program Summary and Evaluation Report on Transitional Bilingual Education Programs in Illinois 1979-1980, May, 1981.

VIII

FOOTNOTES AND SELECTED REFERENCES

FOOTNOTES

1 Leibowitz, A.H. "Language Policy in the United States" in H. LaFonta et al. (eds.), Bilingual Education, 1978.

2 20 U.S.C. § 800 b-1 (a)(4) A (i) (Supp. V 1975) (amending 20 U.S.C. § 800 b-1 (1970).

3 Teitelbaum, Hiller. "Bilingual Education: The Legal Mandate." May, 1977.

4 O'Malley, J. Michael. "Testimony for the Subcommittee on Elementary, Secondary and Vocational Education Committee on Education and Labor p. 7. June 7, 1977.

5 Memorandum: State Board of Education Bilingual Education - Policy Questions and Issue Paper, October 12, 1979.

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20 U.S.C.§800 b-1 (a)(4) A (i) (Supp. V 1975) (amending 20 U.S.C.§800 b-1 (1970).